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OFFICE OF PETITIONS

In re Application of
Beraud, Jean-Marc
Application No. 10/809,799
Filed: March 26, 2004
Attorney Docket No. 04045

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 14, 2008 and again on December 1, 2008, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the non-final Office action mailed December 27, 2007, which set a shortened statutory period for reply of three (3) months. A reply was due on or before March 27, 2008. A Notice of Abandonment was mailed on July 10, 2008.

Petitioner states that the reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 22, 2008 of 1. OA Response; and 2. Request for 2 month EOT. Additionally, petitioner has also supplied a copy of the previously mailed correspondence.

The reply acknowledged as having been received in the USPTO on May 22, 2008 has been located in the application file.


In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The \$460.00 two-month extension of time fee submitted on May 22, 2008 was refunded back to petitioner's credit card on June 25, 2008, though it is unclear why. Accordingly, the \$460.00 extension of time fee will be charged again to petitioner's deposit account as authorized.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 3773 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions